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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/567,526	02/07/2006	Gottlieb Benz	FELD-137XX	9274	
207	7590 11/16/2006		EXAM	INER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP			LOW, LINDSAY M		
TEN POST BOSTON, 1	OFFICE SQUARE MA 02109		ART UNIT	ART UNIT PAPER NUMBER	
,			3721		
	DATE			6	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	· ·			
	10/567,526	BENZ, GOTTLIEB				
Office Action Summary	Examiner	Art Unit				
	Lindsay M. Low	3721				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	,			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communicati D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 07 Fe	ebruary 2006.					
	action is non-final.					
						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4) Claim(s) 1-11 is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 1-11 are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10) The drawing(s) filed on is/are: a) acce		Examiner.				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correct			1(d).			
11) The oath or declaration is objected to by the Ex						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:		, , , , ,				
1. ☐ Certified copies of the priority documents	s have been received.					
2. Certified copies of the priority documents		ion No:				
3. ☐ Copies of the certified copies of the prior						
application from the International Bureau						
* See the attached detailed Office action for a list	·	ed.				
		•				
Attachment(s)	4) Interview Summary	(PTO-413)				
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	ate				
3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal F	atent Application				
Paper No(s)/Mail Date	6) Other:					

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DETAILED ACTION

Election/Restrictions

- 1. Restriction is required under 35 U.S.C. 121 and 372.
- 2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
- 3. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4, drawn to a method for packing tubes.

Group II, claim(s) 5-11, drawn to a packing unit for transferring tubes.

- 4. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group II does not need the special technical features of lifting or traveling away and/or pivoting as required in Group I.
- 5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.
- 6. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.
- 7. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of

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record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Low whose telephone number is 571-272-1196. The examiner can normally be reached on Monday thru Friday 7:30 to 5:00.
- 9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LML A

11/15/2006

LOUIS K. HUYNH¹